

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

ELIZABETH SINES, *et al.*,

Plaintiffs,

v.

JASON KESSLER, *et al.*,

Defendants.

CASE NO. 3:17-cv-00072

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Defendants Jason Kessler, Nathan Damigo, Matthew Parrott, Identity Evropa, and Traditionalist Workers Party's ("Movant-Defendants"), motion to exclude certain testimony from two of Plaintiffs' proposed experts. Dkt. 826. Movant-Defendants seek to exclude expert testimony that various white supremacist groups often utilize strategies of deniability, including "double-speak," and that such strategies were employed at times by certain Defendants in this case. Movant-Defendants also seek to exclude the experts' testimony describing a "white supremacist movement," arguing that Plaintiffs seek to introduce such a term and testimony to a jury as a shortcut to their burden of proving an actual conspiracy among Defendants.

The Court finds Plaintiffs' proposed expert testimony falls well within the types of testimony courts routinely hold admissible; that such proposed testimony will be relevant and helpful to a jury in this case; and that no unfair prejudice will result from its introduction. For these reasons and those to be set forth in a forthcoming Memorandum Opinion, the Court will therefore **DENY** Movant-Defendants' motion to exclude. Dkt. 826. However, Defendants may later raise specific objections in the course of the experts' testimony.

It is so **ORDERED**.

The Clerk of Court is directed to send a copy of this Order to the parties.

Entered this 31st day of March, 2021.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE